

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES,

Plaintiff,

vs.

OREN SNOWDEN,

Defendant.

Case No. 2:18-cr-00018-RCJ-GWF

ORDER

Defendant moves pro se for compassionate release based on the ongoing COVID-19 pandemic pursuant to 18 U.S.C. § 3582(c)(1)(A). (ECF No. 59.) This motion is procedurally defective as Defendant has not presented evidence that he has exhausted this request with the warden of his prison. *See United States v. Baye*, 464 F. Supp. 3d 1178, 1187 (D. Nev. 2020) (holding that the exhaustion provision is inexcusable). The Court therefore denies this motion without prejudice.

Defendant moves for appointment of counsel for an attorney to represent him to pursue compassionate release. (ECF No. 58.) Pursuant to General Order 2020-06,¹ “[t]he Federal Public

¹ This order is available at <https://www.nvd.uscourts.gov/wp-content/uploads/2020/04/General-Order-2020-06-re-FIRST-STEP-Act.pdf>.

Defender's office ('FPD') is hereby appointed to represent a defendant if that defendant files a pro se section 3582(c)(1)(A) motion." Therefore, appointment is appropriate. The FPD however raises a conflict of interest if it were to represent Defendant in this matter. (ECF No. 60.) The FPD thus moves that this Court appoint CJA counsel to assist Defendant to pursue a motion for compassionate release if it would not be frivolous. (*Id.*) The Court grants the FPD's motion and denies Defendant's motion as moot.

CONCLUSION

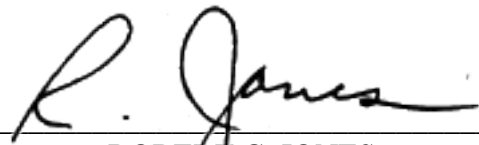
IT IS HEREBY ORDERED that Defendant's Motion for Appointment of Counsel (ECF No. 58) is DENIED AS MOOT.

IT IS FURTHER ORDERED that Defendant's Motion for Compassionate Release (ECF No. 59) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that FPD's Motion for Appointment of Counsel (ECF No. 60) is GRANTED.

IT IS SO ORDERED.

Dated: December 1, 2020.



ROBERT C. JONES
United States District Judge